

Translation

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 24460N2PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/005796	International filing date (day/month/year) 03 June 2003 (03.06.2003)	Priority date (day/month/year) 03 June 2002 (03.06.2002)
International Patent Classification (IPC) or national classification and IPC F28D 20/02, F24F 12/00, 5/00, F24D 3/16		
Applicant RUBITHERM GMBH		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>6</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>4</u> sheets.
3.	This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input checked="" type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 13 December 2003 (13.12.2003)	Date of completion of this report 16 September 2004 (16.09.2004)
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

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International application No.

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I. Basis of the report

1. With regard to the elements of the international application:*

☐ the international application as originally filed

☒ the description:

pages 1-35, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☒ the claims:

pages _____, as originally filed

pages _____, as amended (together with any statement under Article 19

pages _____, filed with the demand

pages 1-16,43, filed with the letter of 31 August 2004 (31.08.2004)

☒ the drawings:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages 1/11-11/11, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☒ the claims, Nos. 17-42

☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☒ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☒ complied with.
- ☐ not complied with for the following reasons:

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
- ☒ the parts relating to claims Nos. 1-16,43

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

I.6.

And also re. Box IV

Lack of unity of invention

The letter of 31 August 2004 reads: "As an appendix, a new set of claims, that is new claims 1 to 16 and a new claim 43, is submitted; it is requested that the international preliminary examination be carried out on the basis of this set of claims".

Consequently, the original claims 17 to 42 have been deleted. There is no therefore no longer any objection resulting from a lack of unity of invention.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-16, 43	YES
	Claims		NO
Inventive step (IS)	Claims	1-16, 43	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-16, 43	YES
	Claims		NO

2. Citations and explanations

WO-A-01/38810 discloses an air conditioning method for supplying hot and/or cold air as per the preamble of claim 1, and a building as per the preamble of claim 43.

Proceeding therefrom, the invention addresses the problem of developing a method and a building which are advantageous in terms of design whilst impairing the comfort of the user as little as possible.

In order to achieve the above aim, claim 1 proposes that a separate incoming air conduction mechanism be provided, the incoming air being blown out beneath the heat exchanger along the latent heat accumulator bodies using the Koanda effect, whereas the outgoing air is sucked out from above along the overhead latent heat accumulator bodies. Claim 43 proposes the use of an induction ventilation mechanism beneath the flat latent heat accumulators.

This type of combination of latent heat accumulators and air conduction mechanism is neither known from the prior art nor can it be deduced therefrom without inventive skill.

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Claims 1 and 43 are therefore considered to be novel and to involve an inventive step and meet the requirements of PCT Article 33. The novelty, inventive step and industrial applicability in claims 2 to 16, which concern further embodiments of claim 1, is established by the dependency on claim 1.